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YUMA, ARIZONA 85364

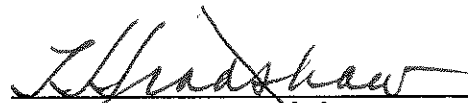
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YUMA

In the Matter of: ]  
ADOPTION OF RULE 17 ] Administrative Order  
TO THE JUDICIAL MERIT SYSTEM. ] No. 94-5

The judges of this Court having unanimously resolved that Rule 17, pertaining to the Family and Medical Leave Act of 1993, be added to the Rules and Guidelines of the Judicial Merit System for Classified and Unclassified Employees of the Superior Court System in Yuma County, adopted May 14, 1992.

IT IS ORDERED that Rule 17, as set forth in the attachment to the resolution, is effective March 18, 1994.

Done in Open Court March 17, 1994.

  
H. Stewart Bradshaw  
Presiding Judge

ao94-5.p


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IN THE MATTER OF: )  
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 ADDITION OF RULE 17 ) RESOLUTION  
 TO THE JUDICIAL MERIT SYSTEM )  
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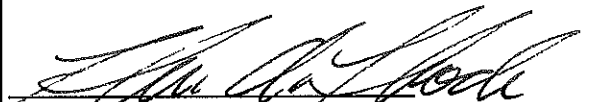
The undersigned judges of the Superior Court of the State of Arizona, in and for the County of Yuma, hereby RESOLVE that this court adopt, by administrative order to be entered by the presiding judge of this county, the attached rule to be added to the judicial merit system, effective March 18, 1994.

  
H. Stewart Bradshaw  
Presiding Judge  
Division 1


March 18, 1994  
Date

  
Tom C. Cole, Judge  
Division 2

3/17/94  
Date

  
Thomas A. Thode, Judge  
Presiding Juvenile Court Judge  
Division 3

18 March 94  
Date

  
Phillip L. Hall, Judge  
Division 4

18 March 1994  
Date

## RULE 17 - FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

### 17.01 Policy:

It is the policy of the court that its employees are covered under the Family and Medical Leave Act of 1993, Public Law 103-3 [H.R.1], February 5, 1992. 107 Stat. 29. FMLA requires covered employers to provide up to 12 weeks of unpaid job and benefit protected leave to "**eligible**" employees for certain family and medical reasons. The full text of the FMLA is available from the Court Administrator's Office for review by any employee.

### 17.02 Application:

To the extent not inconsistent with federal law, this rule applies to all court personnel.

### 17.03 Eligible Employees:

Employees are defined as eligible if they have worked for one year, and for 1250 hours over the previous 12 months.

### 17.04 Reasons for Taking Leave:

Unpaid leave must be granted for any of the following reasons:

- A. To care for the employee's child, after birth, or a placement for adoption or foster care.
- B. To care for the employee's spouse, son, daughter or parent who has a serious health condition.
- C. For a serious health condition that makes the employee unable to perform his/her job duties.

### 17.05 Employee Requirements:

- A. Employees must provide at least 30 calendar days advance notice when the leave is foreseeable.
- B. Employees must designate FMLA leave as such. The 12 week leave eligibility will be determined within a "rolling year," meaning FMLA leave will be granted to a maximum of 12 weeks within any 12 month period.
- C. All accrued paid leave must be used prior to unpaid leave being granted under this rule.

- D. An employee must provide medical certification of condition(s) which support a request for leave. The appointing authority may require a second or third opinion (at the court's expense).

The second opinion, at the sole discretion of the appointing authority, will consist of a review by a health care provider of the appointing authority's choice, to review the medical certification provided by the employee's health care provider. If there is a conflict, the employee may be directed to obtain the opinion of a third health care provider, approved by the appointing authority, to review the medical certification provided by the employee's health care provider. In all cases, the opinion of the third health care provider shall be final and will be binding on both the employee and employer.

- E. Medical Certification shall include:

- a. The date on which the serious health condition commenced;
- b. The probable duration of the condition;
- c. The appropriate medical facts within the knowledge of the health care provider;
- d. If to care for a son, daughter, spouse, or parent, a statement that the employee is needed for such care, and an estimate of time needed to provide such care;
- e. If for planned medical treatment, the dates and duration of such treatment;
- f. If for intermittent leave or leave on a reduced leave schedule, a statement of the medical necessity of such leave and the expected duration.

#### 17.06 Certification:

Every employee requesting FMLA leave is required to provide to the appointing authority certification from the employee's health care provider that the employee is able to resume their normal work activities upon return to work.

17.07 Employee Benefits and Protections:

A. During any FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

B. Upon return from FMLA leave, employees must be restored to their original position, or equivalent positions with equivalent pay, benefits, and other employment terms.

C. The use of FMLA leave cannot result in the loss of any employment benefits prior to the start of such leave.

17.08 Appointing Authority Responsibilities:

A. The FMLA makes it unlawful for any employer to:

a. interfere with, restrain, or deny the exercise of any right provided under FMLA;

b. discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or her involvement in any activity or proceeding under or relating to the FMLA.

B. Report all FMLA leave to the County Administrative Services department, using the court leave activity form, with copies provided as shown on the form. FMLA will be designated as such on the form.

C. Assist their employees in understanding employee's rights and responsibilities.